

REMARKS

Amendment to the Claims

Claims 1-14 are pending. Claims 1 and 5 are amended to more particular define the invention as providing a blowhole through a sidewall of the handle. Support is found in the specification and figures as filed, for example in Figure 2.

Claims 1 and 2 are rejected under 35 USC 102(e) as anticipated by Hasegawa (US 2003/0088241)

Applicant traverses.

The device described in Hasegawa has an air sucking port 22, consisting of a tube with an open end communicating with the open space 21 in front of the sucking member 20 (see Figure 6). The alleged “blowhole” in the device of Hasegawa is in the end of the tube, not in a wall thereof. Since Hasegawa does not describe each feature and element of Claims 1 and 2, the claims are not anticipated.

Furthermore, it would not be obvious in view of Hasegawa to position the opening at the end of the air sucking port 22 into the wall instead. Hasegawa employs the air sucking port 22 as a connector for a tube, which is used to connect the device to a vacuum vessel, as described in paragraphs [0074] and [0084] of Hasegawa. It would be not obvious to a person of ordinary skill to position the opening in the wall of the Hasegawa, instead of the end, because doing so would render the device of Hasegawa inoperable. Therefore, a *prima facie* obviousness rejection can not be made.

Notwithstanding the traversal, Applicant has amended Claim 1 to more particularly describe and distinctly claim the blowhole as disposed in the sidewall of the handle.

Claims 3 and 4 are rejected under 35 USC 103(a) as obvious over Hasegawa

Applicant asserts that Claims 3 and 4 are not obvious in view of Hasegawa, for the very reasons provided above for Claim 1.

Furthermore, Applicant respectfully traverses the rejection.

Hasegawa discloses a device for reshaping the cornea of a patient. The human cornea understood to have a diameter of about 11 mm. Hasegawa provides that the cornea pressure member 10 is applied to the cornea 1 as is done for a contact lens (paragraph [0047]), which along with Figure 6 shows that the outer diameter of the sucking member 20 should be about the size of the human cornea. Given its required function for shaping the cornea, as illustrated in figures 6 or 7, a person of ordinary skill would not expect the device of Hasegawa to have a depth of more than 8 mm.

Claims 5-14 are rejected under 35 USC 103(a) as obvious over Hasegawa in view of Zhisheng (CN 2393510)

Applicant traverses.

As convincingly argued above, the device described in Hasegawa has an air sucking port 22, consisting of a tube with an open end communicating with the open space 21 in front of the sucking member 20 (see Figure 6). The alleged “blowhole” in the device of Hasegawa is in the end of the tube, not in a wall thereof. Since Hasegawa, and its combination with Zhisheng, does not describe each feature and element of Claim 5, a *prima facie* obviousness rejection can not be made.

Furthermore, it would not be obvious in view of Hasegawa to position the opening at the end of the air sucking port 22 into the wall instead. Hasegawa employs the air sucking port 22 as a connector for a tube, which is used to connect the device to a vacuum vessel, as described in paragraphs [0074] and [0084] of Hasegawa. It would be not obvious to a person of ordinary skill to position the opening in the wall of the air sucking port of Hasegawa, instead of the end, because doing so would render the device of Hasegawa inoperable, and a *prima facie* obviousness rejection can not be made.

Furthermore, notwithstanding the traversal, Applicant has amended Claim 5 to more particularly describe and distinctly claim the blowhole as disposed in the sidewall of the handle.

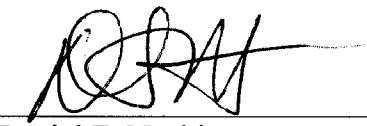
CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance, and allowance of Claims 1-14 is requested.

Should the Examiner have any questions about this response, he is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

By:



Daniel F. Nesbitt
Attorney for Applicant
Registration No. 33,746
(513) 229-0383
Customer Number 26868

October 27, 2010